



General Assembly

Amendment

January Session, 2013

LCO No. 8732

SB0113408732SD0

Offered by:

SEN. MEYER, 12th Dist.
SEN. CHAPIN, 30th Dist.
REP. GENTILE, 104th Dist.
REP. ALBIS, 99th Dist.

To: Subst. Senate Bill No. **1134**

File No. 496

Cal. No. 366

"AN ACT CONCERNING OUTDOOR WOOD-BURNING FURNACES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 22a-174k of the general statutes is repealed and
4 the following is substituted in lieu thereof (*Effective October 1, 2013*):

5 (a) For purposes of this section: [.] (1) "Clean wood" means wood
6 that does not contain a coating of any kind of paint or stain and that is
7 not treated with any fire retardant, pesticide, preservative or any other
8 chemical treatment. "Clean wood" includes any wood pellet that is
9 authorized by law to be sold in the state; and (2) "outdoor wood-
10 burning furnace" means an accessory structure or appliance, including,
11 but not limited to, any outdoor wood-burning boiler and any hydronic
12 heater designed to be located outside living space ordinarily used for

13 human habitation and designed to transfer or provide heat, via liquid
14 or other means, through the burning of wood or [solid waste] corn, for
15 heating spaces other than where such structure or appliance is located,
16 any other structure or appliance on the premises, or for heating
17 domestic, swimming pool, hot tub or jacuzzi water. "Outdoor wood-
18 burning furnace" does not include a fire pit, wood-fired barbecue, [or]
19 chiminea or any unit permitted pursuant to section 22a-174 or any
20 regulation adopted pursuant to said section.

21 (b) [No] (1) On and after January 1, 2014, no person shall [, from July
22 8, 2005, to the effective date of regulations promulgated by the United
23 States Environmental Protection Agency to regulate outdoor wood-
24 burning furnaces,] construct, install, establish, modify, operate or use
25 an outdoor wood-burning furnace, unless [(1) the outdoor wood-
26 burning furnace was constructed, installed, established, modified,
27 operated or in use prior to July 8, 2005, or (2) the] such outdoor wood-
28 burning furnace complies with the following:

29 (A) Installation of the outdoor wood-burning furnace [is] places the
30 chimney of such furnace not less than two hundred feet from the
31 nearest residence not serviced by the outdoor wood-burning furnace;

32 (B) Installation of the chimney of the outdoor wood-burning furnace
33 is at a height that is more than the height of the roof peaks of the
34 residences that are located within five hundred feet of the outdoor
35 wood-burning furnace, which residences are not serviced by the
36 outdoor wood-burning furnace, provided the chimney height is not
37 more than fifty-five feet;

38 (C) No other materials are burned in the outdoor wood-burning
39 furnace other than [wood that has not been chemically treated] clean
40 wood or corn; and

41 (D) Installation and operation of the outdoor wood-burning furnace
42 is in accordance with the manufacturer's written instructions, provided
43 such instructions do not conflict with the provisions of this section.

44 (2) For any owner or operator of an outdoor wood-burning furnace
45 with a maximum heat output of more than three hundred fifty
46 thousand British Thermal Units per hour who provides evidence to the
47 Commissioner of Energy and Environmental Protection that
48 reasonably demonstrates that such outdoor wood-burning furnace was
49 installed prior to July 8, 2005, said commissioner shall not require
50 compliance with the provisions of subparagraphs (A) and (B) of
51 subdivision (1) of this section until on and after October 1, 2014. The
52 commissioner may extend the compliance date of this subdivision for
53 not more than five years beyond October 1, 2014, upon a showing of
54 economic or other hardship by such owner or operator, provided no
55 adjacent property owner will be adversely impacted by the continued
56 operation of such outdoor wood-burning furnace.

57 (3) For any owner or operator of an outdoor wood-burning furnace
58 with a maximum heat output of less than three hundred fifty thousand
59 British Thermal Units per hour who provides evidence to the
60 commissioner that reasonably demonstrates that such outdoor wood-
61 burning furnace was installed on or before July 8, 2005, said
62 commissioner shall not require compliance with the provisions of
63 subparagraphs (A) and (B) of subdivision (1) of this subsection.

64 (4) On and after October 1, 2018, for any owner or operator of an
65 outdoor wood-burning furnace that was installed on or before October
66 1, 1998, such owner or operator shall not own or use said outdoor
67 wood-burning furnace unless, after October 1, 2018, such furnace: (A)
68 Is, or is upgraded to become, a Phase 2 qualified model under the
69 Hydronic Heater Program of the United States Environmental
70 Protection Agency, or (B) has a maximum heat output of more than
71 three hundred fifty thousand British Thermal Units per hour and such
72 furnace (i) meets an emission standard of .32 pounds of particulate
73 matter of 2.5 microns or less per million British Thermal Units of
74 output, or (ii) meets an emission standard that is equivalent to or more
75 stringent than that of a Phase 2 emission standard under the Hydronic
76 Heater Program of the United States Environmental Protection

77 Agency. The commissioner may extend the compliance date of this
78 subdivision for not more than five years beyond October 1, 2018, upon
79 a showing of economic or other hardship by such owner or operator,
80 provided no adjacent property owner will be adversely impacted by
81 the continued operation of such outdoor wood-burning furnace.

82 (5) On and after October 1, 2018, for any owner or operator of an
83 outdoor wood-burning furnace that was installed on or after October
84 1, 1998, but prior to January 1, 2014, such owner or operator shall not
85 own or use said outdoor wood-burning furnace unless twenty years
86 after the installation of such furnace the furnace: (A) Is, or is upgraded
87 to become, a Phase 2 qualified model under the Hydronic Heater
88 Program of the United States Environmental Protection Agency, or (B)
89 has a maximum heat output of more than three hundred fifty
90 thousand British Thermal Units per hour and such furnace (i) meets an
91 emission standard of .32 pounds of particulate matter of 2.5 microns or
92 less per million British Thermal Units of output, or (ii) meets an
93 emission standard that is equivalent to or more stringent than that of a
94 Phase 2 emission standard under the Hydronic Heater Program of the
95 United States Environmental Protection Agency. The commissioner
96 may extend the compliance date of this subdivision for not more than
97 five years beyond October 1, 2018, upon a showing of economic or
98 other hardship by such owner or operator, provided no adjacent
99 property owner will be adversely impacted by the continued operation
100 of such outdoor wood-burning furnace.

101 (6) In the event the commissioner or the Connecticut Clean Energy
102 Finance and Investment Authority establishes a rebate or incentive
103 program for the purchase of outdoor wood-burning furnaces, no
104 owner or operator of an outdoor wood-burning furnace shall be
105 eligible for such program rebate or incentive unless such outdoor
106 wood-burning furnace was installed prior to January 1, 2014, and such
107 owner or operator performs any requisite upgrade or replacement on
108 or before October 1, 2018.

109 [(c) The provisions of this section shall be enforced by the

110 Commissioner of Energy and Environmental Protection and may be
 111 enforced by the municipality affected by the operation or potential
 112 operation of an outdoor wood-burning furnace.]

113 (c) On and after January 1, 2014, no person shall install, give, sell or
 114 offer for sale or for use or delivery in this state any outdoor wood-
 115 burning furnace unless such furnace: (1) Is a Phase 2 qualified model
 116 under the Hydronic Heater Program of the United States
 117 Environmental Protection Agency, or (2) has a maximum heat output
 118 of greater than three hundred fifty thousand British Thermal Units per
 119 hour and such furnace (A) meets an emission standard of .32 pounds
 120 of particulate matter of 2.5 microns or less per million British Thermal
 121 Units of output, or (B) meets an emission standard that is equivalent to
 122 or more stringent than that of a Phase 2 emission standard under the
 123 Hydronic Heater Program of the United States Environmental
 124 Protection Agency.

125 (d) The commissioner or a duly authorized municipal official may
 126 order the owner or operator of any outdoor wood-burning furnace to
 127 remove, render permanently inoperable or discontinue the use of any
 128 furnace that does not comply with the requirements of subsection (b),
 129 (c) or (d) of this section.

130 [(d)] (e) Any person who operates an outdoor wood-burning
 131 furnace in violation of this section shall be deemed to have committed
 132 an infraction and shall be fined not more than ninety dollars. Each day
 133 of operation of such outdoor wood-burning furnace in violation of this
 134 section shall be a separate violation."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2013	22a-174k